

# **PROGRESSIVE DISCIPLINE MODEL POLICY**

(Revised and Effective 7/1/04)

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

## **SECTION A: GENERAL**

A review of the progressive discipline procedures should be maintained to ensure that all supervisors are being consistent in taking disciplinary action against employees involved in similar situations and that employees are aware of the disciplinary actions. Consequently, each supervisor and employee will be given a copy of the policy. This progressive discipline policy does not apply to probationary employees who may be disciplined at the agency's discretion.

## **SECTION B: GUIDELINES**

The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred and any previous counseling, will suggest what action should be taken. Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action with the employee's and the supervisor's signatures should be placed in the employee's personnel file. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand which becomes a part of the employee's permanent personnel file (which should also be signed by the employee as having been received and understood). Further repetitions of the offense or the first occurrence of a very serious offense is followed by suspension, reassignment, demotion, termination or other appropriate action. Please note that these are intended only to be guidelines because it is most difficult to be all-inclusive or to assign a degree of severity to the various examples given below. For example, "leaving the work station without authorization" may range from a temporary absence from the work station to complete abandonment of a position. In such case, a manager must rely on judgment as an experienced administrator to arrive at appropriate disciplinary action. At management's discretion, individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

## **SECTION C: VOLUNTARY RESIGNATIONS AND PERFORMANCE ISSUES**

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the agency during this time period will be considered to have voluntarily resigned. All performance related problems should be addressed by the guidelines established in the Employee Performance Management System.

## **SECTION D: DISCIPLINARY ACTIONS**

No disciplinary actions beyond a written reprimand may be taken without being authorized by the Agency Director or a designee. Division Directors and Unit Managers may recommend appropriate discipline. The following steps shall be followed in such cases when discipline beyond the written reprimand is necessary.

1. The supervisor presents all facts surrounding the incident to the Unit Manager, or in the cases where the Unit Manager is initiating the action, he/she presents the facts to the Division Director with a recommendation for discipline.

2. If the Division Director agrees with the recommendation, the matter is next discussed with the Human Resources Officer and the Agency Director or a designee.

3. If action is to be taken, it shall be taken under the authority and signature of the Agency Director or a designee with the supervisor initiating such action.

OFFENSE	RANGE OF DISCIPLINARY ACTIONS	
Unauthorized Leave	Written Reprimand to Termination	
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand to Termination	
Abuse of Leave	Oral Reprimand to Termination	(Refer to Family and Medical Leave Act and Americans With Disabilities Act)
Excessive Absenteeism	(To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans With Disabilities Act)	
Leaving Work Station Without Authorization	Oral Reprimand to Termination	
Reporting to Work Under the Influence of Alcohol	Suspension to Termination	(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)
Drinking Alcoholic Beverages on the Job	Termination	(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)
Reporting to Work Under the Influence of Drugs	Suspension to Termination	

OFFENSE	RANGE OF DISCIPLINARY ACTIONS
Possessing or Using Illegal Drugs on the Job	Termination
Insubordination	Oral Reprimand to Termination
Falsification of Records or Documents	Suspension to Termination
Stealing	Termination
Negligence	Oral Reprimand to Termination
Willful Violation of Written Rules, Regulations or Written Policies	Suspension to Termination
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination
Destruction or Misuse of Property or Equipment	Written Reprimand to Termination
Unauthorized Solicitation or Sales on State Premises	Oral Reprimand to Termination
Unauthorized Possession of Firearms on the Job	Termination
Unauthorized Distribution of Written or Printed Material of Any Kind	Written Reprimand to Termination
Sleeping While on Duty	Written Reprimand to Termination
Horseplay	Oral Reprimand to Termination
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand to Termination
Loafing	Oral Reprimand to Termination

OFFENSE	RANGE OF DISCIPLINARY ACTIONS	
Interference With Other Employee's Work	Oral Reprimand to Termination	
Working on Personal Jobs During Work Hours	Oral Reprimand to Termination	
Excessive Use of Telephone for Personal Matters	Oral Reprimand to Termination	
Defacing State Property	Written Reprimand to Termination	
Sexual Harassment	Written Reprimand to Termination	(Refer to Sexual Harassment Policy)
Conviction of Up to a felony	Termination	
Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment	Termination	
Discourteous treatment of visitors and/or customers	Oral Reprimand to Termination	
Failure to maintain satisfactory or harmonious working relationships with employees or supervisors	Oral Reprimand to Termination	
Improper conduct or conduct unbecoming a state employee	Written Reprimand to Termination	
Willful false statements to a supervisor	Suspension to Termination	
Workplace Violence	Termination	(Refer to Workplace Violence Policy)

The above indicated range of disciplinary actions in response to specific offenses is to be used as a guide and is not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

# PROGRESSIVE DISCIPLINE OPTIONS TOOLBOX

An agency may determine that using the following options would assist in conducting progressive discipline.

## CHART OF OFFENSES WITH ESTABLISHED DISCIPLINARY ACTIONS

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Unauthorized Leave	Written Reprimand	Suspension	Termination	
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Abuse of Leave	Oral Reprimand	Written Reprimand	Termination	(Refer to Family and Medical Leave Act and Americans With Disabilities Act)
Excessive Absenteeism	(To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans With Disabilities Act)			
Leaving Work Station Without Authorization	Oral to Written Reprimand	Suspension	Termination	
Reporting to Work Under the Influence of Alcohol	Suspension	Termination	(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)	
Drinking Alcoholic Beverages on the Job	Termination		(Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)	
Reporting to Work Under the Influence of Drugs	Suspension	Termination		
Possessing or Using Illegal Drugs on the Job	Termination			
Insubordination	Oral to Written Reprimand	Suspension to Termination	Termination	
Falsification of Records or Documents	Suspension to Termination	Termination		
Stealing	Termination			

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Negligence	Oral to Written Reprimand	Suspension to Termination	Termination	
Willful Violation of Written Rules, Regulations or Written Policies	Suspension to Reprimand	Termination	Termination	
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination	Termination		
Destruction or Written Misuse of Property or Equipment	Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized Solicitation or Sales on State Premises	Oral to Written Reprimand	Suspension to Termination	Termination	
Unauthorized Possession of Firearms on the Job	Termination			
Unauthorized Distribution of Written or Printed Material of Any Kind	Written Reprimand	Suspension to Termination	Termination	
Sleeping While on Duty	Written Reprimand	Suspension to Termination	Termination	
Horseplay	Oral Reprimand	Written Reprimand	Suspension	Termination
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand	Written Reprimand	Suspension	Termination
Loafing	Oral Reprimand	Written Reprimand	Suspension	Termination
Interference With Other Employee's Work	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination
Working on Personal Jobs During Work Hours	Oral to Written Reprimand	Suspension	Termination	
Excessive Use of Telephone for Personal Matters	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Defacing State Property	Written Reprimand to Termination	Termination		
Sexual Harassment	Written Reprimand to Termination	Termination	(Refer to Sexual Harassment Policy)	
Conviction of Up to a felony	Termination			
Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment	Termination			
Discourteous treatment of visitors and/or customers	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Failure to maintain satisfactory or harmonious working relationships with employees or supervisors	Oral Reprimand	Written Reprimand	Suspension	Termination
Improper conduct or conduct unbecoming a state employee	Written Reprimand to Termination	Suspension to Termination	Termination	
Willful false statements to a supervisor	Suspension to Termination	Termination		
Workplace Violence	Termination		(Refer to Workplace Violence Policy)	

The above indicated actions in response to specific offenses are to be used as a guide and are not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

## EMPLOYEE COMMENTS

The employee may attach additional comments to any disciplinary action, if desired, within a preset amount of time.

## **WORKPLACE VIOLENCE**

Section 7, Chapter 1, Title 1 of the 1976 Code of Laws, Article 21, Workplace Domestic Violence Policy (Section 1-1-1410) requires every state agency to develop and implement an agency workplace domestic violence policy and adopt a “zero tolerance” approach to the act or threat of violence of any kind. If employees engage in any violence in the workplace, or threaten violence in the workplace, their employment will be terminated immediately for cause. The “zero tolerance” approach must be applied to all forms of workplace violence. These include, but are not limited to:

- Physical-the use of force in order to harm;
- Threats-expressions of intent to inflict injury;
- Harassment-words, gestures, and actions which tend to annoy, alarm, or abuse another person;
- Property damage-intentional damage to property owned by the state, employees, visitors, or vendors; and
- Domestic-physical harm or injury or an offer or attempt to cause physical harm or injury by a household member.